

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TINA L. POSADAS,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 13-5048 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand to the Commissioner of Social Security for further administrative proceedings before an Administrative Law Judge, a de novo hearing, and a new decision. (ECF 18). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the ALJ will give further consideration to the medical opinions of record and articulate what weight is given to each; reevaluate the claimant's residual functional capacity assessment; and reassess steps four and five with the assistance of a vocational expert.

1 This Court hereby reverses the Commissioner's decision under sentence four of 42  
2 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*,  
3 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees  
4 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request  
5 to this Court.

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7 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
8 immediately approve this Report and Recommendation and order the case **REVERSED** and  
9 **REMANDED**. A proposed order accompanies this Report and Recommendation.

10 DATED this 17<sup>th</sup> day of July, 2013.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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